

Telephone Consumer Protection Act and Junk Fax Prevention Worksheet

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The purpose of this checklist is to assist the examiner in conducting transactional testing. The checklist can also be used to verify and test the work of the compliance officer or internal/external audit function.

The checklist should be answered with a "Yes" or "No" for each item selected. Generally, a "No" answer indicates a potential violation or internal control deficiency and must be fully explained in the work papers.

Retain appropriate documentation in work papers.

| Telephone Consumer Protection Act and Junk Fax Prevention Examination Worksheet | Yes | No |
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| <p>1. Does the financial institution engage directly or indirectly through a third-party telemarketing firm, in any form of telephone solicitation via telephone or facsimile machine?</p> <p>If No, stop here. If Yes, continue to question #2.</p> | | |
| <p>For the questions below, every "No" answer indicates a potential violation of the regulation and/or an internal control deficiency that must be explained fully in the work papers.</p> | | |
| <p>2. The financial institution (or third-party engaged in making telemarketing calls on the financial institution's behalf) refrains from initiating any telephone call using an automatic telephone dialing system or an artificial or prerecorded voice to:</p> <ul style="list-style-type: none"> • A paging service, cellular telephone service, specialized mobile radio service, or other radio common carrier service, or any service for which the called party is charged. [47 CFR 64.1200(a)(1)] • A residential line without the express prior consent of the called party. [47 CFR 64.1200(a)(2)] | | |

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| 3. The financial institution (or third-party engaged in making telemarketing calls on the financial institution's behalf) refrains from using a telephone facsimile machine, computer, or other device to send an unsolicited advertisement to a telephone facsimile machine without an established business relationship or express written permission from the recipient. [47 USC 227 as amended by the Junk Fax Prevention Act of 2005] | | |
| 4. The financial institution (or third-party engaged in making telemarketing calls on the financial institution's behalf) refrains from using an automatic telephone dialing system in such a way that two or more telephone lines of a multi-line business are engaged simultaneously. [47 CFR 64.1200(a)(4)] | | |
| 5. The financial institution (or third-party engaged in making telemarketing calls on the financial institution's behalf) refrains from disconnecting an unanswered telemarketing call prior to at least 15 seconds or four (4) rings. [47 CFR 64.1200(a)(5)] | | |
| 6. The financial institution (or third-party engaged in making telemarketing calls on the financial institution's behalf) refrains from abandoning more than three percent of all telemarketing calls that are answered live by a person, measured over a 30-day period. [47 CFR 64.1200(a)(6)] | | |
| 7. For an abandoned call, the information provided is limited to the name and telephone number of the business, entity, or individual on whose behalf the call was placed and that the call was made for "telemarketing purposes." [47 CFR 64.1200(a)(6)] | | |
| 8. The financial institution (or third-party engaged in making telemarketing calls on the financial institution's behalf) refrains from using any technology to dial any telephone number for determining whether the line is a facsimile or voice line. [47 CFR 64.1200(a)(7)] | | |
| 9. If the financial institution (or third-party engaged in making telemarketing calls on the financial institution's behalf) uses an automatic or prerecorded telephone message, determine whether: [47 CFR 64.1200(b)] | | |
| <ul style="list-style-type: none"> At the beginning of the message, the business, | | |

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| <p>individual, or other entity initiating the call is clearly identified.</p> <ul style="list-style-type: none"> • The name of the business responsible for initiating the call is stated. • The name of the business responsible for initiating the call is registered with the appropriate regulatory authority. • During the message, the telephone number for the business responsible for initiating the call is provided. • The number provided is available during regular business hours. • The number provided is one that is not a 900 number or any other number for which charges exceed local or long distance transmission charges. | | |
| <p>10. The financial institution (or third-party engaged in making telemarketing calls on the financial institution's behalf) initiates all calls to residential subscribers between the hours of 8 a.m. and 9 p.m. (local time of the called party's location). [47 CFR 64.1200(c)(1)]</p> | | |
| <p>11. Prior to initiating any call, the financial institution (or third-party engaged in making telemarketing calls on the financial institution's behalf) checks the national do-not-call registry to verify that the residential telephone subscriber's number is not listed. [47 CFR 64.1200(c)(2)]</p> | | |
| <p>12. If the financial institution (or third-party engaged in making telemarketing calls on the financial institution's behalf) calls a subscriber whose number appears on the do-not-call registry, does it meet one of the following criteria:</p> <ul style="list-style-type: none"> • It can demonstrate that the violation is the result of an error and that its routine business practices meet the minimum standards set forth in the regulation. [47 CFR 64.1200(c)(2)(i)] • It has the subscriber's prior express invitation or permission evidenced by a signed, written agreement that includes a telephone number to | | |

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| <p>which the calls may be placed. [47 CFR 64.1200(c)(2)(ii)]</p> <ul style="list-style-type: none"> • It has a personal relationship with the recipient of the call. [47 CFR 64.1200(c)(2)(iii)] | | |
| <p>13. The financial institution (or third-party engaged in making telemarketing calls on the financial institution's behalf) has a process to provide the called party with the following information:</p> <ul style="list-style-type: none"> • The name of the individual caller. • The name of the person or entity on whose behalf the call is being made. • A telephone number or address at which the entity may be contacted. [47 CFR 64.1200(d)(4)] | | |
| <p>14. The financial institution has a process in place that considers whether an established business relationship should extend to an affiliate. [47 CFR 64.1200(f)(ii)]</p> | | |
| <p>15. The financial institution (or third-party engaged in making telemarketing calls on the financial institution's behalf) maintains a do-not-call record listing callers' requests not to receive further telemarketing calls. [47 CFR 64.1200(d)(6)]</p> | | |
| <p>16. The financial institution (or third-party engaged in making telemarketing calls on the financial institution's behalf) honors a caller's request not to receive telemarketing calls for five (5) years from the time the request is made. [47 CFR 64.1200(d)(6)]</p> | | |
| <p>17. The financial institution (or third-party engaged in making telemarketing calls on the financial institution's behalf) transmits caller identification information. [47 CFR 64.1601(e)]</p> | | |